IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ petition No. 1048 (S/S) of 2006

1. Balbir Singh Bisht, son of Sri Anand Singh Bisht, presently posted, as Village Development Officer, Development Block, Dugadda, District – Pauri Garhwal.
2. Govind Prasad Semwal, son of Sri Narayan Dutt Semwal, presently posted as Village Development Officer, Development Block, Dugadda, District – Pauri Garhwal.
3. Keshwanand Chamoli, son of Sri Ramanand Chamoli, presently posted as Village Development Officer, Development Block, Dwarikhal, District – Pauri Garhwal.
4. Prem Lal Tailwal, son of Sri Chandra Mani Tailwal, presently posted as Village Development Officer, Development Block, Dugadda, District – Pauri Garhwal.
5. Manbar Sing Rauthan, son of Sri Pan Singh Rauthan, presently posted as Village Development Officer, Development Block, Dugadda, District – Pauri Garhwal.
6. Anil Kumar Dhasmana, son of late Sri Damodar Prasad Dhasmana, presently posted as Village Development Officer, Development Block, Dugadda, District – Pauri Garhwal.
7. Dhareshwar Prasad Mamgain, son of Sri Khushal Mani Mamgain, presently posted as Village Development Officer, Development Block, Dwarikhal, District – Pauri Garhwal.

……..Petitioners

versus

1. State of Uttaranchal through its Secretary, rural Development, Government of Uttaranchal, Dehradun.
2. Commissioner, Rural Development and Panchayati Raj Secretariat, Dehradun.
3. Deputy Commissioner (Administration), Directorate of Rural Development, Pauri Garhwal.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.K. Posti, learned counsel for the petitioners and learned standing counsel for State of Uttaranchal on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, petitioners have prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Certiorari calling the record of case and quash the tentative seniority list fixing the date of joining of petitioners as 24.11.1992 as far as it relates to the petitieonrs.

(b) issue a writ, order or direction in the nature of Mandamus directing the respondents to dispose of the objection of the petitioners and prepare the final seniority list after disposing of the objection of the petitioners and not to give any promotion on the basis of tentative seniority list published by the respondents.

(c) issue any suitable order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(d) award the cost of the writ petition to the petitioners.

The submission of the learned counsel for the petitioners is that petitioners are working as Village Development Officer, in District – Pauri Garhwal and were promoted to the post of Village Development Officer, sometimes in the year between 1973 to 1981.

Petitioners have submitted that a tentative seniority list was published by the department on 05.12.2005 and objections were invited from the aggrieved persons. Petitioners have filed their objections against the tentative seniority list stating therein that since they were promoted in the year between 1973 to 1981 on the post of Village Development Officer and still, in the tentative seniority list, their date of appointment on the post of Village Development Officer, has been mentioned as 24.11.1992 and thus, they have not been placed at appropriate place in the seniority list.

In para 67 of the writ petition, petitioners have stated that respondents have constituted Departmental Promotion Committee for providing promotion on the post of Assistant Block Development Officer from amongst the Village Development Officer, which is feeding cadre for recruitment on the post of Village Development Officer, under promotion quota and promotion will be made on the basis of tentative seniority list because till date no final seniority list has been published though the Departmental Promotion Committee has already been constituted.

It is general principle of law that promotion on any post should be provided on the basis of seniority list finally published, in case, promotions are to be made on the basis of seniority subject to rejection of unfit.

From the facts mentioned in the writ petition, it is clear that tentative seniority list though was published on 05.12.2005 and objections have been invited yet no final seniority list has been published.

In the circumstances stated above, I direct the respondents to make promotions on the post of Assistant Block Development Officer, on the basis of final seniority list and further, prior to publishing the final seniority list respondents shall decide the objection raised by the petitioners against the tentative seniority list.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 02, 2006
SKSharma